

EXHIBIT A

FILED
Rebecca Padilla
CLERK, SUPERIOR COURT
07/27/2022 8:48AM
BY: AUKENDALL
DEPUTY

Case No.: S1100CV202201328
HON. HONORABLE CHRISTOPHER J O'NEIL

1 Byron F. Browne (030499)
2 **BROWNE LAW GROUP**
3 366 North Gilbert Rd, Suite 201
4 Gilbert, Arizona 85234
5 Phone/Fax: (480) 771-2442
byron@antilawyer.com
legal@antilawyer.com
6 Attorney for Plaintiff

7 **IN THE SUPERIOR COURT FOR THE STATE OF**

8 **IN AND FOR THE COUNTY OF PINAL**

9 **TAMMY BOTHWELL, individually,**

Case No.:

10 Plaintiff,

COMPLAINT

11 vs.

(Tort/ Non-Motor Vehicle)

12 CIRCLE K STORES, INC; JOHN DOES and/or
13 JANE DOES I-X, individually and/or as
14 husband and wife; BLACK CORPORATIONS
15 and/or WHITE LIMITED PARTNERSHIPS I-X

Tier 2

16 Defendant.

17 Plaintiff Tammy Bothwell, by and through counsel undersigned, for her Complaint
18 hereby alleges as follows:

19 **JURISDICTIONAL ALLEGATIONS**

- 20 1. The damages sought in this matter are within the original jurisdiction of this
21 court.
22
23 2. The events that form the basis for this complaint occurred within Pinal County,
24 Arizona and venue in this court is proper pursuant to A.R.S. § 12-401.
25
26 3. Plaintiff is a resident of Pinal County, Arizona.





4. Defendants CIRCLE K STORE, INC., is a Foreign For-Profits Corporations
operating within Pinal County, Arizona.

5. Up information and belief Defendants JOHN DOES I-X and JANE DOES I-X were husband and wife, and residents of the State of Arizona, were domiciled as such as of the date of the incident and giving rise to this lawsuit. All actions alleged in this Complaint were undertaken on behalf of and for the benefit of their marital community. Plaintiff is without sufficient information at the present time to state the true identity of JOHN DOES I-X and JANE DOES I-X. Plaintiff will seek leave of the Court to amend this Complaint once the identity of this individual becomes available.

6. Defendants designated herein as DOES I-X, BLACK CORPORATIONS I-X, and WHITE LIMITED PARTNERSHIPS I-X, inclusive, are unknown to Plaintiff at this present time; however, it is alleged and believed these Defendants were involved in the initiation, approval, support, or execution of the wrongful acts on which this action is premised, or of similar actions directed against Plaintiff about which they are presently unaware. As the specific identities of these parties are revealed through the course of discovery, the DOES, BLACK, and WHITE will be replaced to identify these parties by their true names and capacities.

GENERAL ALLEGATIONS
(CIRCLE K STORES, INC)

7. Plaintiff re-alleges and incorporates herein by this reference the allegations in Paragraphs 1 through 6 of her Complaint as though expressly set forth herein.

8. On November 3, 2021, Plaintiff walk to the Circle K located at 3125 N. Toltec Road, Eloy, AZ 85131.

9. When walking towards the entrance of Circle K overlapped particle board sheets laid across the concrete in front of the store. This unreasonably dangerous condition caused Plaintiff to trip causing her injuries.

10. Plaintiff has suffered permanent injuries, loss of enjoyment of life, suffered loss of past and future household services, expenses for medical care and treatment, and incurred expenses incidental thereto.

COUNT I – NEGLIGENCE
(CIRCLE K STORES, INC)

11. Plaintiff re-alleges and incorporates herein by this reference in the allegations in Paragraphs 1 through 10 of her Complaint as though expressly set forth herein.

12. Defendant had the ability and owed a duty of care to Plaintiffs to ensure that the Property was properly maintained in a reasonably safe condition.

13. Defendant also had a duty to warn Plaintiff of any potentially dangerous conditions.

14. Defendant had a duty not to create a hazardous condition on the Property.

15. Defendant knew or should have known that failing to maintain its Property, among other things, allowing a dangerous condition would lead to injuries.

16. Defendant breached its duty to Plaintiff by failing to safely maintain its property.

17 Defendant breached its duty to Plaintiff by failing to warn of the dangerous



1 condition existing on its Property.

2 18. Defendants breached its duty to Plaintiff by creating a hazardous condition on
3 its Property.

4 19. Defendants' negligence was the actual and proximate cause of the injuries and
5 damages to Plaintiff.

6 20. As a direct and proximate result of the aforesaid negligence of Defendants,
7 Plaintiff has incurred expenses for medical care and treatment and expenses incidental
8 thereto; such expenses will continue in the future, resulting in damages in an amount to be
9 proven at trial.

10
11
12 **COUNT III – RESPONDEAT SUPERIOR**
13 **(CIRCLE K STORES, INC)**

14 21. Plaintiff re-alleges and incorporates by this reference the allegations in Paragraphs
15 1-20 of his Complaint as though expressly set forth herein.

16 22. Defendants are liable for the actions of their employees, pursuant to the
17 doctrine of *Respondeat Superior*.

18
19 **WHEREFORE**, Plaintiff prays for Judgment against Defendant as follows:

- 20 a) For general damages, in an amount to be proven at trial of this matter.
21 b) For special damages, in an amount to be proven at trial of this matter.
22 c) For reasonable attorney's fees and costs; and interest at the statutory rate;

23 and

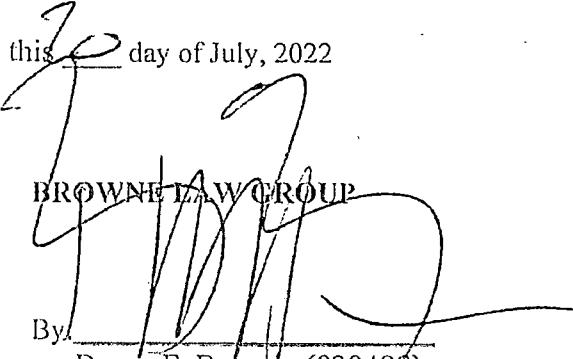
24 ///

25 ///

1
2 d) For such other and further relief as this Court deems proper.
3
4

5 RESPECTFULLY SUBMITTED this 7th day of July, 2022
6
7

8 BROWNE LAW GROUP
9

10 By 
11 Byron F. Browne (030499)
12 366 North Gilbert Road, Suite 201
13 Gilbert, Arizona 85234
14 Attorney for Plaintiff
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BROWNE LAW GROUP
PERSONAL INJURY ATTORNEYS


FILED
Rebecca Padilla
CLERK, SUPERIOR COURT
07/7/2022 8:48AM
BY: AUKEENDALL
DEPUTY

Case No.: S1100CV202201328
HON. HONORABLE CHRISTOPHER J O'NEIL

Person/Attorney Filing: Byron F Browne
Mailing Address: 366 North Gilbert Road Suite 202
City, State, Zip Code: Gilbert, AZ 85234
Phone Number: (480)771-2442
E-Mail Address: legal@antilawyer.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 030499, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

Tammy Bothwell

Case No.

Plaintiff(s),

v.

Circle K Stores, INC

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Pinal County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Byron F Browne /s/
Plaintiff/Attorney for Plaintiff

**In the Superior Court of the State of Arizona
In and For the County of Pinal**

Plaintiff's Attorney:

Byron F Browne
Bar Number: 030499, issuing State: AZ
Law Firm: Browne Law Group
366 North Gilbert Road Suite 202
Gilbert, AZ 85234
Telephone Number: (480)771-2442
Email address: legal@antilawyer.com

Plaintiff:

Tammy Bothwell
366 North Gilbert Road Suite 202
Gilbert, AZ 85234

Defendant:

Circle K Stores, INC

Discovery Tier t2

Case Category: Tort Non-Motor Vehicle
Case Subcategory: Premises Liability

Person/Attorney Filing: Byron F Browne
Mailing Address: 366 North Gilbert Road Suite 202
City, State, Zip Code: Gilbert, AZ 85234
Phone Number: (480)771-2442
E-Mail Address: legal@antilawyer.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 030499, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

Tammy Bothwell
Plaintiff(s),
v.
Circle K Stores, INC
Defendant(s).

Case No. S1100CV202201328

SUMMONS

To: Circle K Stores, INC

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT
AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO
NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 971 Jason Lopez Circle Building A, Florence, Arizona 85132 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of PINAL

SIGNED AND SEALED this date: *July 27, 2022*

Rebecca Padilla
Clerk of Superior Court

By: *AUKENDALL*
Deputy Clerk





null / PERINJ

Transmittal Number: 25350736

Date Processed: 08/09/2022

Notice of Service of Process

Primary Contact: Beth Pierce
Circle K
1100 Situs Ct
Ste 100
Raleigh, NC 27606-4295

Electronic copy provided to: Vanessa Alaniz
Lauren Schmidt
Joe Murray
Shelly Schilling
Lisa Puckett

Entity: Circle K Stores Inc.
Entity ID Number 2105805

Entity Served: Circle K Stores, Inc

Title of Action: Tammy Bothwell vs. Circle K Stores, Inc.

Matter Name/ID: Tammy Bothwell vs. Circle K Stores, Inc. (12665768)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Pinal County Superior Court, AZ

Case/Reference No: S1100CV202201328

Jurisdiction Served: Arizona

Date Served on CSC: 08/02/2022

Answer or Appearance Due: 20 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Browne Law Group
480-771-2442

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

1 David L. Stout, Jr., Bar #024857
2 Damian M. Zimmer, Bar #036162
3 JONES, SKELTON & HOCHULI P.L.C.
4 40 N. Central Avenue, Suite 2700
5 Phoenix, Arizona 85004
Telephone: (602) 263-7384
Fax: (602) 200-7809
dstout@jshfirm.com
dzimmer@jshfirm.com
minuteentries@jshfirm.com

Attorneys for Defendant Circle K Stores, Inc.

**SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF PINAL**

TAMMY BOTHWELL, individually,

NO. S1100CV202201328

Plaintiff, | ANSWER

(Assigned to the Honorable Christopher J. O'Neil)

CIRCLE K STORES, INC.; JOHN DOES
and/or JANE DOES 1-X, individually and/or as
husband and wife; BLACK CORPORATIONS
and/or WHITE LIMITED PARTNERSHIPS I-
X.

Defendants.

Defendant Circle K Stores, Inc., by and through undersigned counsel, for its Answer to Plaintiff's Complaint, admits, denies and alleges as follows:

Answering Defendant denies each and every, all and singular, of the allegations contained in Plaintiff's Complaint and each claim for relief thereof which is not hereinafter expressly admitted or otherwise pled to.

JURISDICTIONAL ALLEGATIONS

1. Based on currently available information and belief Answering Defendant admits the allegations contained in Paragraph 1 of the Complaint.

1 2. Answering Defendant admits the allegations contained in Paragraph 2 of the
2 Complaint, insofar that the events occurred in Pinal County. Answering Defendant lacks
3 foundation to admit or deny the remaining allegations in Paragraph 2 of the Complaint.

4 3. Answering Defendant lacks sufficient information to form a belief as to the
5 truth of the allegations contained in Paragraph 3 of Plaintiff's Complaint and therefore takes no
6 position as to the same pending further discovery.

7 4. Answering Defendant admits the allegations contained in Paragraph 4 of the
8 Complaint.

9 5. Answering Defendant lacks foundation to admit or deny the allegations
10 contained within Paragraph 5 of the Complaint. Furthermore, sufficient cause may not exist to
11 amend the Complaint in accordance with Arizona Rule of Civil Procedure and therefore
12 Answering Defendant reserves the right to object to future attempts to amend the Complaint.

13 6. Answering Defendant lacks foundation to admit or deny the allegations
14 contained within Paragraph 6 of the Complaint. Furthermore, sufficient cause may not exist to
15 amend the Complaint in accordance with Arizona Rule of Civil Procedure and therefore
16 Answering Defendant reserves the right to object to future attempts to amend the Complaint.

17 **GENERAL ALLEGATIONS**

18 **(CIRCLE K STORES, INC)**

19 7. Answering Defendant incorporates each of the foregoing admissions and/or
20 denials as though fully set forth herein.

21 8. Answering Defendant admits the allegations contained within Paragraph 8
22 of the Complaint.

23 9. Answering Defendant admits the allegations contained within Paragraph 9
24 of the Complaint, insofar that particle board sheets were present in front of the store. Answering
25 Defendant denies any remaining allegations contained within Paragraph 9 of the Complaint.

26 10. Answering Defendant lacks foundation to admit or deny the allegations

1 contained within Paragraph 10 of the Complaint. As much as a response is required, this
2 Answering Defendant is without sufficient knowledge or information to form a belief as to the
3 allegations and, therefore, denies the same.

4 **COUNT I – NEGLIGENCE**

5 **(CIRCLE K STORES, INC)**

6 11. Answering Defendant incorporates each of the foregoing admissions and/or
7 denials as though fully set forth herein.

8 12. In Response to Paragraph 12 of the Complaint, Answering Defendant admits
9 it had a duty to keep the Circle K store located at 3125 N. Toltec Road, in Eloy, Arizona, in a
10 reasonably safe condition for its customers.

11 13. In Response to Paragraph 13 of the Complaint, Answering Defendant admits
12 it had a duty to keep the Circle K store located at 3125 N. Toltec Road, in Eloy, Arizona, in a
13 reasonably safe condition for its customers.

14 14. In Response to Paragraph 14 of the Complaint, Answering Defendant admits
15 it had a duty to keep the Circle K store located at 3125 N. Toltec Road, in Eloy, Arizona, in a
16 reasonably safe condition for its customers.

17 15. Answering Defendant lacks foundation to admit or deny the allegations
18 contained within Paragraph 15 of the Complaint.

19 16. Answering Defendant denies the allegations contained within Paragraph 16
20 of the Complaint.

21 17. Answering Defendant denies the allegations contained within Paragraph 17
22 of the Complaint.

23 18. Answering Defendant denies the allegations contained within Paragraph 18
24 of the Complaint.

25 19. Answering Defendant denies the allegations contained within Paragraph 19
26 of the Complaint.

20. Answering Defendant denies the allegations contained within Paragraph 20 of the Complaint.

COUNT II – RESPONDEAT SUPERIOR

21. Answering Defendant incorporates each of the foregoing admissions and/or denials as though fully set forth herein.

22. Answering Defendant admits the legal doctrine of *Respondeat Superior* exists and that if one of Answering Defendant's employees was negligent then it may be vicariously responsible for the employee's negligence. Answering Defendant expressly denies that it or its employees were negligent in any respect.

AFFIRMATIVE DEFENSES

23. As and for a separate defense and in the alternative, Answering Defendant alleges that the Plaintiff was contributorily negligent and/or any injuries received by the Plaintiff was the result of an intervening/superseding cause or occurred as a result of the negligence of someone other than this Answering Defendant, all of which bars recovery to the Plaintiff herein from this Answering Defendant.

24. As and for a separate defense and in the alternative, Answering Defendant alleges that the Plaintiff was negligent, in whole or in part, thereby reducing or eliminating any damages owing by this answering Defendant by way of comparative negligence.

25. As and for a separate defense and in the alternative, Answering Defendant alleges that the Plaintiff's alleged injuries may be the result of pre-existing injuries or medical conditions unrelated to those alleged to have occurred in the subject accident which may bar recovery or reduce recovery to the Plaintiff herein from this Answering Defendant.

26. As and for a separate defense and in the alternative, Answering Defendant alleges that Plaintiff assumed the risk of her damages, acted in direct and intentional violation of Arizona law, and acted intentionally and knowingly, jeopardizing her safety and well-being, all of which bar recovery or reduce recovery to the Plaintiff herein from Answering Defendant.

27. As and for a separate defense and in the alternative, Answering Defendant alleges that Plaintiff failed to mitigate her damages, thus barring or reducing recovery from Answering Defendant.

28. Although Answering Defendant does not presently have specific facts in support of the remaining defenses, it wishes to put counsel for Plaintiff upon notice that it hereby raises the following defenses which, through subsequent discovery may, indeed, be supported by the facts: lack of jurisdiction over the subject matter, lack of jurisdiction over the person, accord and satisfaction, arbitration and award, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, insufficiency of process, and insufficiency of service of process, and waiver.

WHEREFORE, having fully answered Plaintiff's Complaint, Answering Defendant prays that same be dismissed, and that Answering Defendant be awarded its costs and attorney's fees incurred herein. Answering Defendant demands a jury trial as to all triable issues.

DATED this 22nd day of August, 2022.

JONES, SKELTON & HOCHULI P.L.C.

By /s/ Damian M. Zimmer

David L. Stout, Jr.
Damian M. Zimmer
40 N. Central Avenue, Suite 2700
Phoenix, Arizona 85004
Attorneys for Defendant Circle K Stores, Inc.

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1 ORIGINAL of the foregoing electronically filed
2 this 22nd day of August, 2022.

3 COPY of the foregoing mailed/e-mailed
4 this 22nd day of August, 2022, to:

5 Byron F. Browne, Esq.
6 BROWNE LAW GROUP
7 366 N. Gilbert Road, Suite 201
8 Gilbert, Arizona 85234
9 Attorney for Plaintiff

10 /s/ Kelli Huddleston
11 _____
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1 David L. Stout, Jr., Bar #024857
2 Damian M. Zimmer, Bar #036162
3 JONES, SKELTON & HOCHULI P.L.C.
4 40 N. Central Avenue, Suite 2700
5 Phoenix, Arizona 85004
Telephone: (602) 263-7384
Fax: (602) 200-7809
dstout@jshfirm.com
dzimmer@jshfirm.com
minuteentries@jshfirm.com

Attorneys for Defendant Circle K Stores, Inc.

**SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF PINAL**

TAMMY BOTHWELL, individually,

NO. S1100CV202201328

Plaintiff, **CERTIFICATE OF COMPULSORY
ARBITRATION**

(Assigned to the Honorable Christopher J. O'Neil)

CIRCLE K STORES, INC.; JOHN DOES and/or JANE DOES 1-X, individually and/or as husband and wife; BLACK CORPORATIONS and/or WHITE LIMITED PARTNERSHIPS I-X.

Defendants.

Defendant Circle K Stores, Inc., by and through undersigned counsel, hereby Court that it does not controvert Plaintiff's allegation that this case Is Not subject to arbitration and therefore does not oppose Plaintiff's Certification.

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1 DATED this 23rd day of August, 2022.

2 JONES, SKELTON & HOCHULI P.L.C.

3

4 By /s/ Damian M. Zimmer

5 David L. Stout, Jr.

6 Damian M. Zimmer

7 40 N. Central Avenue, Suite 2700

Phoenix, Arizona 85004

8 Attorneys for Defendant Circle K Stores, Inc.

9

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11 this 23rd day of August, 2022.

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13 this 23rd day of August, 2022, to:

14 Byron F. Browne, Esq.
15 BROWNE LAW GROUP
16 366 N. Gilbert Road, Suite 201
17 Gilbert, Arizona 85234
18 Attorney for Plaintiff

19 /s/ Kelli Huddleston

1 David L. Stout, Jr., Bar #024857
2 Damian M. Zimmer, Bar #036162
2 JONES, SKELTON & HOCHULI P.L.C.
3 40 N. Central Avenue, Suite 2700
3 Phoenix, Arizona 85004
4 Telephone: (602) 263-7384
4 Fax: (602) 200-7809
5 dstout@jshfirm.com
5 dzimmer@jshfirm.com
minuteentries@jshfirm.com

6 Attorneys for Defendant Circle K Stores, Inc.

7 **SUPERIOR COURT OF THE STATE OF ARIZONA**

8 **COUNTY OF PINAL**

9 TAMMY BOTHWELL, individually,

NO. S1100CV202201328

10 Plaintiff,

DEMAND FOR JURY TRIAL

11 v.

(Assigned to the Honorable Christopher J.
O'Neil)

12 CIRCLE K STORES, INC.; JOHN DOES
13 and/or JANE DOES 1-X, individually and/or as
husband and wife; BLACK CORPORATIONS
14 and/or WHITE LIMITED PARTNERSHIPS I-
X,

15 Defendants.

16
17 Defendant Circle K Stores, Inc., by and through undersigned counsel, hereby
18 demands a trial by jury as to all triable issues in the above-captioned matter.

19 DATED this 23rd day of August, 2022.

20 JONES, SKELTON & HOCHULI P.L.C.

22 By /s/ Damian M. Zimmer

23 David L. Stout, Jr.

23 Damian M. Zimmer

24 40 N. Central Avenue, Suite 2700

24 Phoenix, Arizona 85004

25 Attorneys for Defendant Circle K Stores, Inc.

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2 this 23rd day of August, 2022.

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4 this 23rd day of August, 2022, to:

5 Byron F. Browne, Esq.
6 BROWNE LAW GROUP
7 366 N. Gilbert Road, Suite 201
8 Gilbert, Arizona 85234
9 Attorney for Plaintiff

10 /s/ Kelli Huddleston
11 _____
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